

EXHIBIT

3

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendant.

Civil Action No. 1:23-cv-00853-DAE

DECLARATION OF PAUL ENRIQUEZ

I, Paul Enriquez, pursuant to 28 U.S.C. 1746, am executing this Declaration, and declare under penalty of perjury that the facts stated below are true and correct to the best of my personal knowledge and belief.

1. I am the Director, Infrastructure Portfolio, U.S. Border Patrol Program Management Office Directorate ("PMOD"), U.S. Customs and Border Protection ("CBP"), an agency of the Department of Homeland Security ("DHS"). I have held this position since January 2023 and support the planning and execution of border infrastructure projects from construction to maintenance. From May 2021 to December 2022, I served as the Deputy Director for the Infrastructure Portfolio and from August 2018 to May 2021, I served as the Real Estate and Environmental Director for the Infrastructure Portfolio. From 2013 to August 2018, I was the Real Estate and Environmental Branch Chief for the Border Patrol and Air and Marine Program Management Office ("BPAM"), Facilities Management and Engineering, Office of Facilities and Asset Management. From 2011 to 2013, I was employed as an

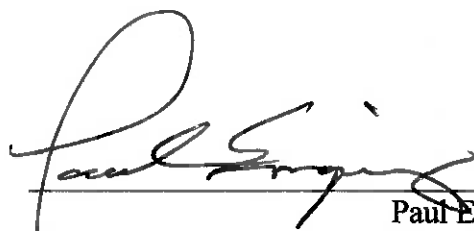
Environmental Protection Specialist in the BPAM office. In that role, I performed environmental analyses for various border infrastructure projects. From 2008 to 2011, I was a contractor assigned to the BPAM office and provided environmental support on various border infrastructure projects.

2. CBP is the DHS component with primary responsibility for border security. CBP constructs, operates, and maintains border infrastructure necessary to deter and prevent illegal entry on the southern border.
3. Within CBP, PMOD has expertise in managing and executing border infrastructure projects. PMOD is tasked with managing the schedule, finances, real estate acquisition, environmental planning, and construction of border infrastructure along the U.S. border. In addition, PMOD develops statement of works and contract materials for infrastructure related projects and works directly with CBP contracting officers with respect to the award and administration of such contracts.
4. Based upon my current and past job duties, I am familiar with CBP's border barrier projects.
5. Under section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, the Secretary of Homeland Security has the authority to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.
6. CBP has never entered into a contract for the installation or deployment of floating barriers in any waterway near the United States border.
7. CBP has never installed or deployed floating barriers in any waterway near the United States border.
8. When CBP undertakes border barrier projects, it complies with all legal requirements, such as the National Environmental Policy Act and the Endangered Species Act, unless the Secretary publishes a waiver of legal requirements pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") Section 102(c) in the Federal

Register. To the extent that a proposed border barrier project implicates the Rivers and Harbors Act, CBP would comply with the Rivers and Harbors Act absent a waiver of that legal requirement.

9. I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 26th day of July 2024



Paul Enriquez
Infrastructure Portfolio Director
Program Management Office Directorate
U.S. Border Patrol